

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TRAVIS TORGERSON,

Plaintiff,

v.

**HENDERSON COUNTY JUSTICE
CENTER, ET AL.,**

Defendants.

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Case No. 6:19-CV-514-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Travis Torgerson, an inmate proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On January 3, 2020, the Magistrate Judge issued a Report and Recommendation (Docket No. 12), recommending that the claims against Defendants Malakoff Police Department and Henderson County Justice Center be dismissed because neither the police department nor the detention center have a separate legal existence and thus cannot be sued in their own names. *Id.* at 2. Plaintiff filed objections on January 16, 2020. Docket No. 14.


In his objections, Plaintiff does not dispute the Magistrate Judge's conclusions. Instead, Plaintiff seeks leave to amend his complaint to bring claims against Henderson County and the City of Malakoff. *Id.* at 1–2. Under Federal Rule of Civil Procedure 15(a), “[t]he court should freely give leave when justice so requires.” In the interests of justice, the Court grants Plaintiff thirty days to amend his complaint.

Having made a *de novo* review of the objections raised by Plaintiff to the Magistrate Judge's Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Plaintiff's objections are without merit. The Court therefore adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

Accordingly, it is hereby **ORDERED** that the Report and Recommendation (Docket No. 12) be **ADOPTED**. It is further

ORDERED that the claims against the Defendants Henderson County Justice Center and City of Malakoff Police Department are **DISMISSED WITH PREJUDICE** for purposes of proceeding *in forma pauperis* as frivolous and for failure to state a claim upon which relief may be granted. The dismissal of these claims and parties shall not prevent Plaintiff from amending his complaint to seek relief from Henderson County and the City of Malakoff by **April 16, 2020**.

So **ORDERED** and **SIGNED** this **17th** day of **March, 2020**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE